

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|--|---|-------------------|
| BILL M., by and through his father |) | 4:03CV3189 |
| and natural guardian, William M., et al. |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | MEMORANDUM |
| |) | AND ORDER |
| NEBRASKA DEPARTMENT OF |) | |
| HEALTH AND HUMAN SERVICES |) | |
| FINANCE AND SUPPORT, et. al., |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on the Magistrate Judge's Report and Recommendation (filing 153) recommending denial of the pending motion for class certification and appointment of class counsel (filing 138). No objections to the recommendation have been filed.

I have reviewed the Magistrate Judge's Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1) and NECivR 72.3. I find that the Report and Recommendation should be adopted. Inasmuch as Judge Piester has fully, carefully, and correctly found the facts and applied the law, I need only state that Plaintiffs' motion for class certification and appointment of class counsel (filing 138) should be denied in all respects.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (filing 153) is adopted; and

2. Plaintiffs' motion for class certification and appointment of class counsel (filing 138) is denied.

July 17, 2007.

BY THE COURT:

s/Richard G. Kopf
United States District Judge